

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicant appreciates Examiner's provided details of errors in the previously amended application. The typographical and grammatical informalities of the specifications, abstract, claims, as recited by Examiner have been corrected as required.

Claims 1-16 have been canceled by this Amendment without prejudice. Newly added Claim 17 is submitted for reconsideration. All elements and limitations are supported in the specification and drawings. No new matter has been introduced to this patent application.

The disclosure is objected to as noted in the Office Action. In response, the disclosure has been checked and the informalities corrected. Accordingly, this objection should be withdrawn.

Claims 11-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,360,362 to Fichtner, in view of U.S. Patent No. 6,665,813 to Forsman, and further in view of U.S. Patent No. 6,357,021 to Kitawaga. The rejection is respectfully traversed for the reason that the method of the present invention are neither disclosed, suggested nor taught by Fichtner, Forsman, Kitawaga, individually or in combination.

Claims 12-16 are objected to as noted in the Office Action. These claims are cancelled. Claim 17 does not contain such errors.

The claimed invention is directed to a method for utilizing five memory portions to update/upgrade an old firmware to a new firmware. As recited in the newly added claim 17, the steps of the present invention comprise devising the memory, executing an initial program with verifying an old firmware, an old backup old firmware, and the identify of each firmware. Particularly, the new firmware are switched between these five portions, which is not disclosed in Fichtner, Forsman and Kitawaga, nor in combination of them. Since Fichtner, Forsman and Kitawaga do not teach the five memory portions and firmware switched among the five portions, in this case, independent claim 17 is not obvious and is patentable over Fichtner, Forsman and Kitawaga.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in cursive script that reads "Kenneth M. Berner".

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